

REMARKS

Claims 11-30 are currently pending in this application and subject to restriction.

Response to Restriction Requirement

Election

In response to the Restriction Requirement, Applicant elects the restricted subject matter of Group I, claims 11-25, drawn to a method for treating pulmonary terminal-phase distress comprising administering a therapeutically effective quantity of botulinum toxin in a patient suffering from pulmonary terminal-phase distress.

Restriction Requirement

The restriction requirement subjected claims 11-30 to restriction under 35 U.S.C. §§ 121, 372 between one of the following inventions:

Group I) claims 11-25, drawn to a method for treating pulmonary terminal-phase distress comprising administering a therapeutically effective quantity of botulinum toxin in a patient suffering from pulmonary terminal-phase distress; and

Group II) claims 26-30, drawn to a method of preventing pulmonary terminal-phase distress comprising administering a therapeutically effective quantity of botulinum toxin in a patient suffering from pulmonary terminal-phase distress.

In response to the Restriction Requirement, Applicant elects the restricted subject matter of Group I, claims 11-25, drawn to a method for treating pulmonary terminal-phase distress comprising administering a therapeutically effective quantity of botulinum toxin in a patient suffering from pulmonary terminal-phase distress.

As required by the Restriction Requirement, Applicant submits that claims 11-25 encompass the elected subject matter.

CONCLUSION

An indication of allowance of all claims is respectfully solicited. Early notification of a favorable consideration is respectfully requested.

Respectfully submitted,

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Dated: September 8, 2008

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